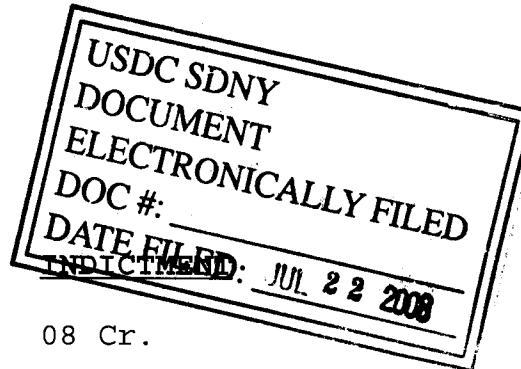


JULIE SWAINUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
UNITED STATES OF AMERICA :

- v. - :

KELVIN POLANCO, :

Defendant. :

**08CRIM 675****COUNT ONE**

The Grand Jury charges:

1. On or about April 23, 2008, in the Southern District of New York and elsewhere, KELVIN POLANCO, the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 500 grams and more of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION AS TO COUNT ONE

2. As a result of committing the controlled substance offense alleged in Count One of this Indictment, KELVIN POLANCO, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to

facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to a sum of money representing the amount of proceeds obtained as a result of the controlled substance offense for which the defendants are liable.

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

KELVIN POLANCO,

Defendant.

INDICTMENT

08 Cr.

(18 U.S.C. § 2, and 21 U.S.C. §§ 812,
841(a)(1), and 841(b)(1)(B).)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL



Foreperson.

Filed indictment. Case assigned to Judge Swartz.

SRM
7/22/08

—Francis, J.